

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MELANIE PROCTOR,

Plaintiff,

VS.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a foreign
corporation; and DOES I-V.

Defendants.

CASE NO.: 3:21-cv-00151-LRH-CLB

**STIPULATION AND ORDER FOR
REMAND TO STATE COURT,
DISMISSAL OF EXTRA-
CONTRACTUAL CLAIMS, AND
CAPPING ALL DAMAGES AT
\$75,000.**

Plaintiff, Melanie Proctor, by and through her counsel of record, Kilpatrick & Bulettini, and Defendant, State Farm Mutual Automobile Insurance Company, by and through its counsel of record, Hall Jaffe & Clayton, LLP, hereby enter into this Stipulation and Order for Remand to State Court, Dismissal of Extra-Contractual Claims, and Capping All Damages at \$75,000.00 as follows:

1. On February 19, 2021, Plaintiff filed the instant lawsuit styled *Melanie Proctor, Plaintiff, v. State Farm Mutual Automobile Insurance Company, Defendant*, Case No. 21 TRT 00011 1B, in the First Judicial District Court, Carson City, Nevada.

2. On April 1, 2021, Defendant removed this case to the United States District Court, District of Nevada, Case No. 3:21-cv-00151-LRH-CLB.

1 3. Plaintiff has agreed to dismiss with prejudice any extra-contractual claims (e.g.,
2 bad faith, breach of the implied covenant of good faith and fair dealing, unfair settlement
3 practices, punitive damages, etc.) against State Farm arising out of or relating to the August 20,
4 2019, automobile accident. Plaintiff has agreed to pursue only a claim for recovery of UIM
5 contractual benefits potentially available under the policy.

6 4. In exchange for Plaintiff's agreement to a cap/limit any and all damages she may
7 recover against State Farm to \$75,000.00, State Farm has agreed to allow this case to be
8 remanded from the U.S. District Court, District of Nevada, to the First Judicial District Court,
9 Carson City, where it was originally filed for further proceedings.

10 5. Except as otherwise stated herein, all of the parties' other claims and defenses
11 remain in force and in effect despite the remand to state court.

12 6. Once remanded, the parties will exercise best efforts to place this case on the
13 state court's docket and move the case forward in its ordinary course.

14 Dated this 10th day of May, 2021.

15 HALL JAFFE & CLAYTON, LLP

16 /s/ Riley A. Clayton

17 RILEY CLAYTON
18 Nevada Bar No. 5260
19 7425 Peak Dr.
20 Las Vegas, Nevada 89128
21 Attorney for Defendant

14 Dated this 10th day of May, 2021

15 KILPATRICK & BULLENTINI

16 /s/ Adam Woodrum

17 ADAM WOODRUM
18 Nevada Bar No. 10284
19 412 No. Division Street
20 Carson City, Nevada 89703
21 Attorney for Plaintiff

22 **ORDE R**

23 **IT IS SO ORDERED.**

24 DATED this 11th day of May, 2021.

25 
26 LARRY R. HICKS
27 UNITED STATES DISTRICT JUDGE